

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America	)	
v.	)	
WAYNELY BROWN	)	Case No: <u>1:99CR00075-002</u>
	)	USM No: <u>15488-058</u>
Date of Previous Judgment: <u>January 26, 2001</u>	)	James Weidner
(Use Date of Last Amended Judgment if Applicable)	)	Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: <u>41</u>	Amended Offense Level: <u>39</u>
Criminal History Category: <u>I</u>	Criminal History Category: <u>I</u>
Previous Guideline Range: <u>240</u> to <u>240</u> months	Amended Guideline Range: <u>240</u> to <u>240</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No reduction in this case as the original sentence was limited to a statutory maximum of 20 years (240 months) by *Apprendi v. New Jersey*, which then became the applicable guideline range pursuant to USSG 5G1.1(a). The revised guideline range is similarly limited and the guideline range remains unchanged.

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated January 26, 2001 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: March 16, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)

  
\_\_\_\_\_  
Lacy H. Thornburg  
United States District Judge

